



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,966	07/19/2006	Masayoshi Kurashima	279628US0PCT	1653
22850 7590 12/26/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ARK, DARREN W	
			ART UNIT 3643	PAPER NUMBER
			NOTIFICATION DATE 12/26/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,966	<b>Applicant(s)</b> KURASHIMA ET AL.	
	<b>Examiner</b> Darren W. Ark	<b>Art Unit</b> 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: ____.                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/11/2008, 04/12/2007, 01/13/2006.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Pat. No. 4-45734 to Hirono.

Hirono discloses a base (3); and a porous substrate (1) disposed on one side of the base (top surface of and within 3; see Fig. 1) and is capable of holding water or oil (2).

3. Claims 1, 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Burkholder et al. 4,581,845.

Burkholder et al. discloses a base (30, C); and a porous substrate (23) disposed on one side of the base (see Fig. 4) and is capable of holding water or oil (oil).

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Demarest et al. 4,841,669.

Demarest et al. discloses a base (14 of plastic); and a porous substrate (absorbent pad material 28) disposed on one side of the base (top of 14) and is capable of holding water or oil (impregnated with oil-in-water emulsion).

Art Unit: 3643

5. Claim 4 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Braun 1,882,380.

Braun discloses a base (1, 3); and a porous substrate (12) disposed on one side of the base (top of 1) and is capable of holding water or oil (12 saturated with sassafras oil).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 4-45734 to Hirono in view of Vick et al. 5,005,416.

Hirono discloses a method of deploying the trapping device near the rice under storage, but does not disclose a method wherein the grain subject to infestation being stored in a silo. Vick et al. discloses an insect detection using a pitfall probe trap for grain stored in a silo (see Fig. 8). It would have been obvious to one of ordinary skill in the art to modify the method of Hirono such that it is employed on grain stored in a silo in view of Vick et al. in order to provide a method for monitoring and trapping insects which may infest grain storage locations such as silos so as to address the issue before packaging and distribution of the grains.

Art Unit: 3643

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkholder et al. 4,581,845.

Burkholder et al. discloses that the trap has specific applications such as insect control in food processing, food storage, and food distribution facilities, but does not disclose a method wherein the grain subject to infestation is grain that has been put into a storage bag stored in a storage facility. It would have been an obvious matter of design choice to modify the method of Burkholder et al. such that it comprises a step of placing the trapping device on top of the storage bag since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and it appears that the method of Burkholder et al. would perform equally as well by doing so, and because a person of ordinary skill in the art would readily deploy the insect trapping device at any location where it is intended to monitor grains for infestation by undesired insect pests.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burkholder et al. 4,581,845 in view of Vick et al. 5,005,416.

Burkholder et al. discloses that the trap has specific applications such as insect control in food processing, food storage, and food distribution facilities, but does not disclose a method wherein the grain subject to infestation being stored in a silo. Vick et al. discloses an insect detection using a pitfall probe trap for grain stored in a silo (see Fig. 8). It would have been obvious to one of ordinary skill in the art to modify the method of Burkholder et al. such that it is employed on grain stored in a silo in view of Vick et al. in order to provide a method for monitoring and trapping insects which may

Art Unit: 3643

infest grain storage locations such as silos so as to address the issue before packaging and distribution of the grains.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darren W. Ark/  
Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA